

## § 46.10

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AUTHORITY: 42 U.S.C. 4321 *et seq.* (The National Environmental Policy Act of 1969, as amended); Executive Order 11514, (Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977)); 40 CFR parts 1500–1508 (43 FR 55978) (National Environmental Policy Act, Implementation of Procedural Provisions).

SOURCE: 73 FR 61314, Oct. 15, 2008, unless otherwise noted.

### Subpart A—General Information

#### § 46.10 Purpose of this part.

(a) This part establishes procedures for the Department, and its constituent bureaus, to use for compliance with:

(1) The National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*); and

(2) The Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508).

(b) Consistent with 40 CFR 1500.3, it is the Department's intention that any trivial violation of these regulations will not give rise to any independent cause of action.

## 43 CFR Subtitle A (10–1–09 Edition)

#### § 46.20 How to use this part.

(a) This part supplements, and is to be used in conjunction with, the CEQ regulations except where it is inconsistent with other statutory requirements. The following table shows the corresponding CEQ regulations for the sections in subparts A–E of this part. Some sections in those subparts do not have a corresponding CEQ regulation.

#### SUBPART A 40 CFR

- 46.10 Parts 1500–1508
- 46.20 No corresponding CEQ regulation
- 46.30 No corresponding CEQ regulation

#### SUBPART B

- 46.100 1508.14, 1508.18, 1508.23
- 46.105 1506.5
- 46.110 No corresponding CEQ regulation
- 46.115 1508.7
- 46.120 1502.9, 1502.20, 1502.21, 1506.3
- 46.125 1502.22
- 46.130 1502.14
- 46.135 1502.21
- 46.140 1502.20
- 46.145 No corresponding CEQ regulation
- 46.150 1506.11
- 46.155 1502.25, 1506.2
- 46.160 1506.1
- 46.170 No corresponding CEQ regulation

#### SUBPART C

- 46.200 1501.2
- 46.205 1508.4
- 46.210 1508.4
- 46.215 1508.4
- 46.220 1501.5
- 46.225 1501.6
- 46.230 1501.6
- 46.235 1501.7
- 46.240 1501.8

#### SUBPART D

- 46.300 1501.3
- 46.305 1501.7, 1506.6
- 46.310 1508.9
- 46.315 No corresponding CEQ regulation
- 46.320 1506.3
- 46.325 1501.4

#### SUBPART E

- 46.400 1502.5
- 46.405 1502.7
- 46.415 1502.10
- 46.420 1502.14
- 46.425 1502.14
- 46.430 1502.25
- 46.435 1503
- 46.440 1506.2
- 46.445 1506.8
- 46.450 1505.2

(b) The Responsible Official will ensure that the decision making process